

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee : Dennis M. Smid et al.
Application to Reissue Patent No. : 6,012,255
Issued : January 11, 2000
For : **CONSTRUCTION BOARD HAVING A NUMBER OF MARKS FOR FACILITATING THE INSTALLATION THEREOF AND A METHOD FOR FABRICATING SUCH CONSTRUCTION BOARD**

DECLARATION OF DENNIS M. SMID AND RICHARD PALMESINO

As a below-named inventor, I hereby declare that:

1. My residence, post office address and citizenship are as stated below next to my name.
2. I verily believe myself to be an original, first and joint inventor of the invention described and claimed in Letters Patent No. 6,012,255 and in the specification filed herewith for which I solicit a patent.
3. I hereby state that I have reviewed and understand the contents of the aforementioned specification, including the claims.
4. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).
5. I do not know and do not believe that the invention was ever known or used in

the United States of America before my invention thereof.

6. I verily believe the original Letters Patent to be wholly or partly inoperative or invalid by reason of my claiming more or less than I had a right to claim in the patent at least in that I did not claim "A relatively thin frame covering panel adapted to be attached to a number of supports, said panel having at least two sides in which at least one of said sides includes a number of marks for facilitating the attaching of said panel to said number of supports, wherein said number of marks are arranged in substantially parallel lines having a distance therebetween which is substantially the same and different from a distance between an edge of the respective one side and the parallel line nearest thereto and in which said lines are placed from one end of said panel to an opposite end thereof in a direction transverse to the extent of said lines."

7. I did not discover that the claims of the original patent claimed more or less than I had a right to claim until after the original patent was issued.

8. No claims were previously presented during prosecution of the above referenced issued patent that particularly claimed the panel described in paragraph 6.

9. All errors being corrected in this reissue application arose without any deceptive intention on my part.

10. New claims 22-28 submitted with this application particularly point out subject matter which I considered my invention and round out the scope of protection to which I am entitled. By the omission of such claims the original patent claims more or less than I had a right to claim.

I hereby appoint Dennis M. Smid, Registration No. 34,930, of Frommer Lawrence & Haug LLP or their duly appointed associate(s), my attorneys, with full power of substitution

PATENT
720001-2001.1

and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the U.S. Patent and Trademark Office and in the Courts in connection therewith, and specify that all communications about the application are to be directed to the following address:

Dennis M. Smid, Esq.
c/o Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, New York 10151

Direct all telephone calls to: (212) 588-0800 to the attention of Dennis M. Smid, Esq.

Wherefore I pray that I may be allowed to surrender the Letters Patent No. 6,012,255 granted January 1, 2000, whereof I am an owner, and that Letters Patent may be reissued to me for the same invention upon the attached specification.

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720001-2001.1

I, the undersigned applicant, further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


DENNIS M. SMID

1-11-02
Date

Residence: Montville, NJ

Citizenship: United States


RICHARD PALMESINO

1-11-02
Date

Residence: West Paterson, NJ

Citizenship: United States

Applicant or Patentee: Dennis M. Smid et al.

FROGMER LAWRENCE & HAUG LLP

Reissue of Patent No.: 6,012,255

File No.: 720001-2001.1

Filed or Issued: Herewith

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For: A CONSTRUCTION BOARD HAVING A NUMBER OF MARKS FOR FACILITATING THE
INSTALLATION THEREOF AND A METHOD FOR FABRICATING SUCH CONSTRUCTION BOARDS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) and 1.27(b) - INDEPENDENT INVENTOR

As a below-named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention, entitled A CONSTRUCTION BOARD HAVING A NUMBER OF MARKS FOR FACILITATING THE INSTALLATION THEREOF AND A METHOD FOR FABRICATING SUCH CONSTRUCTION BOARDS described in application Serial No. __, filed herewith.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below.

X no such person, concern, or organization

___ persons, concerns or organizations listed below

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

FULL NAME Dennis M. Smid

ADDRESS Montville, New Jersey

X INDIVIDUAL ___ SMALL BUSINESS CONCERN ___ NONPROFIT ORGANIZATION

FULL NAME Richard Palmesino

ADDRESS West Paterson, New Jersey

X INDIVIDUAL ___ SMALL BUSINESS CONCERN ___ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

___ INDIVIDUAL ___ SMALL BUSINESS CONCERN ___ NONPROFIT ORGANIZATION

Applicant or Patentee: Dennis M. Smid et al.

FROMMER LAWRENCE & HAUG LLP

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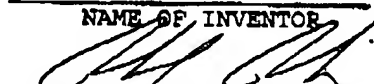
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Dennis M. Smid

Richard Palmesino

NAME OF INVENTOR

Signature of Inventor

NAME OF INVENTOR

Signature of Inventor

NAME OF INVENTOR

Signature of Inventor

Date

1-11-02
Date

Date